

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

July 22, 1999

The Board of Education and the Board of Vocational Education met for the regular business meeting at the Jepson School of Leadership, University of Richmond, Virginia on Thursday, July 22, 1999 with the following members present:

Mr. Kirk T. Schroder, President
Senator J. Brandon Bell, Vice President
Mrs. Jennifer C. Byler
Mr. Mark C. Christie
Mrs. Audrey B. Davidson

Mrs. Susan T. Noble
Mr. Robert H. Patterson, Jr.
Mrs. Ruby W. Rogers
Senator John W. Russell

Mr. Paul D. Stapleton, Secretary and
Superintendent of Public Instruction

Mr. Schroder called the meeting to order at 9:16 a.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Senator Russell gave the invocation and led in the Pledge of Allegiance.

THE NATIONAL ANTHEM

Directed by Dr. Marvin Curtis, the National Anthem was performed by participants at the 1999 Governor's School of Humanities and Visual and Performing Arts at the University of Richmond. The music for the National Anthem was arranged by Mark Snyder, one of the participants of the Governor's School.

WELCOME

Barbara Paterson, Special Events Coordinator, Governor's School for Humanities and Dan Hocutt, Director, Governor's School for Humanities, Governor's School for Visual and Performing Arts, welcomed the Board of Education to the University of Richmond.

APPROVAL OF MINUTES OF THE MEETING OF THE BOARD

Mrs. Byler made a motion to approve the minutes of the June 24 meeting. Copies of the minutes had been distributed previously to all members of the Board for review. The motion was seconded by Mrs. Rogers and carried unanimously.

APPROVAL OF AGENDA

Item J, Presentation by Dr. Janet Johnson, Dean of the College of Education and Human Resources at Virginia Polytechnic Institute and State University, was moved to appear last on the agenda. Mrs. Byler made a motion to approve the agenda as amended. The motion was seconded by Mrs. Noble and carried unanimously.

CONSENT AGENDA

The motion was made by Mrs. Rogers, seconded by Senator Russell and carried unanimously for approval of the consent agenda.

- Final Review of Recommendations Concerning Release of Literary Fund Loans for Placement on Waiting List
- Final Review of Recommendations Concerning Applications for Literary Fund Loans
- Final Review of Financial Report on Literary Loan Fund

Final Review of Recommendations Concerning Release of Literary Fund Loans for Placement on Waiting List

The Department of Education's recommendation is that: (1) Funds be released for one project in the amount of \$7,500,000 with disbursement of funds subject to receipt of an acceptable opinion from Bond Counsel as to the tax status of the loan; and (2) Funding for three projects in the amount of \$6,290,000 be deferred and the projects placed on the First Priority Waiting List.

These recommendations were accepted by the Board of Education's vote on the consent agenda.

| COUNTY, CITY OR TOWN | SCHOOL | AMOUNT |
|----------------------|---------------------|-----------------------|
| Campbell County | Rustburg Elementary | \$7,500,000.00 |
| | TOTAL | \$7,500,000.00 |

First Priority Waiting List

| COUNTY, CITY OR TOWN | SCHOOL | AMOUNT |
|----------------------|---------------------------|-----------------------|
| Shenandoah County | W. W. Robinson Elementary | \$3,069,000.00 |
| Shenandoah County | Sandy Hook Elementary | 1,931,000.00 |
| Shenandoah County | Ashby Lee Elementary | 1,290,000.00 |
| | TOTAL | \$6,290,000.00 |

Final Review of Recommendations Concerning Applications for Literary Fund Loans

The Department of Education's recommendation for approval of three new applications in the amount of \$6,290,000 subject to review and approval by the Office of the Attorney General pursuant to Section 22.1-156, *Code of Virginia*, was accepted by the Board of Education's vote on the consent agenda.

| COUNTY, CITY OR TOWN | SCHOOL | AMOUNT |
|----------------------|---------------------------|-----------------------|
| Shenandoah County | W. W. Robinson Elementary | \$3,069,000.00 |
| Shenandoah County | Sandy Hook Elementary | 1,931,000.00 |
| Shenandoah County | Ashby Lee Elementary | 1,290,000.00 |
| | TOTAL | \$6,290,000.00 |

Final Review of Financial Report on Literary Fund

The Department of Education's recommendation to approve the financial report on the status of the Literary Fund as of April 30, 1999, was accepted by the Board of Education's vote on the consent agenda.

RESOLUTIONS AND RECOGNITIONS

The Board presented resolutions of appreciation to the following:

Recognition of the Individuals and Companies that Produced Public Service Announcements to help Educate the Public About the Standards of Learning Testing Program:

- SMC
 John Siddall
 Cynthia Schmidt
 Meagan Schnauffer
 Janice Murphy
 Jessica Welton Siddall
 Tommy Thompson
 Lynn Dzarnowski

- New Millennium
 Martin Jones
 Niko Godfrey
 Jon Parks
 Scott Inge
 Kent Eanes
 Chip Ingram
 Glan Piegari
 Andrea Levin
 Jeff McGall
 Patti Bassler
 Tisha Thomas
 Clarence Davis
 Robin Williaams
 Dionnie Boyd
 Phoung Pham
 Jennifer Rizzo
 Cheryl Binger

- Henninger
 Alexandria Balbuena-Alleyne
 Lauren Maschter
 Scott Witthaus
 Cheryl Lage
 Andy Pigsley
 Woody Sherman

- In Your Ear
 Paul Bruski
 Carlos Chafin
 Terry Stroud
 Kathy Allsbrook

- Commonwealth Film Labs
 Roger Robison
 Jennifer Howath
 Dee Dee England

- Talent
 Tim Reid
 Ed Bersoff
 Jean Clary
 Tottie Owens
 Andrea Warren

- Randolph School
 Dr. Warren Stewart
 Dr. Duane M. Hawkins

Recognition of the members of the History/Social Studies Consortium who worked with the Department and Board of Education to produce the History/Social Studies Standards of Learning Teacher Resource Guide:

➤ The following people assisted in writing the History and Social Science Teacher

Resource Guide:

| | |
|---------------------|------------------|
| Rebecca Hayes | Carol Simopoulos |
| Danny Dixon | Stelia Wilbourne |
| Deborah Owens | Bonnie Hobson |
| Brenda Winstead | Pat Downey |
| Diana Hasuly-Ackman | Sara Shoob |
| Tracey Frazier | Lee Chase |
| Judy Ganzert | John Rossi |
| Tom Woodall | Lannah Hughes |
| Melanie Stanley | Thelma Tunstall |
| Bernie Glaze | Agnes Dunn |
| Richard Weber | Mike Wildasin |
| Elise Harrison | Rebecca Mills |
| Edwina Prunty | Susan Seay |
| Loretta Hannum | Judy McConville |
| Joe Enedy | Mary Harrison |
| Dave Wymer | Lynn Baker |
| Georgeanne Hribar | Kay Knowles |
| Joel Dexter | |
| Lessie Freeman | |

➤ The following editors expanded and modified the original documents:

| | |
|-------------------|-------------------|
| Mike Ellerbrock | Jerry Moore |
| Suzanne Gallagher | William O'Brockta |
| Ronald Heinemann | Susan Robbins |
| Martha Hopkins | James Simms |
| Amos Lee Laine | Donald Ziegler |
| Stephen Medvic | |

➤ Virginia Vocational Curriculum and Resource Center Staff:

| | |
|------------------|------------------|
| Robin Brownhill | Bruce Stevens |
| Earline Coleman | Dianne Swicewood |
| Anita Cruikshank | Karen Westermann |

➤ Department of Education Staff:

Harvey Carmichael
Joan Spence
Beverly Thurston
Dr. Jo Lynne DeMary

Recognition of the New Horizons Governor's School for Science and Technology's New Horizons/NASA Langley Team, which placed fifth in the nation in the FIRST Robotics Competition at EPCOT Center in Orlando, Florida:

➤ The members of the team and coaches:

| | |
|---------------------------|------------------------------------|
| Hugh Hockett, Member | Joanne Talmage, Teacher |
| Eddie Drummond, Member | Richard I. Pruman, Teacher |
| Jennifer Sampsell, Member | Edward W. Carr, Executive Director |
| Anne Petersen, Teacher | Jeff Seaton, NASA Langley |

Recognition of New Horizons Governor's School for Science and Technology Team selected to attend the Ninth Sakharov's Readings.

➤ The students selected to attend:

Rebecca Brooks

Paul Hauser

Linda Lee

Michael Katz-Hyman

Sonali Mukherjee

John Rolston

First Review of Proposed Revised Regulations Governing Special Education

This item was presented by Mr. Doug Cox, Director of Special Education at the Department of Education. State special education regulations are being revised to comport with new requirements under the 1997 amendments to the Individuals with Disabilities Education Act (IDEA). State policies and procedures must comply with the IDEA in order for Virginia to remain eligible for federal funding under Part B of the statute. For the 1999-2000 year, Virginia's Part B allocation is expected to be approximately \$115,061,300. At its April 1998 meeting, the Board agreed upon four principles to guide the revision process: (1) continuation of parental rights and responsibilities; (2) fiscal responsibility; (3) adherence closely to federal language; and (4) clarification of areas of ambiguity.

Mrs. Rogers made a motion to waive first review and adopt the proposed draft regulations for submission to the Governor, the Department of Planning and Budget, and to the public for review and comment as specified in the Administrative Process Act. The motion was seconded by Senator Russell and carried unanimously.

Mr. Cox recognized the following Department of Education staff: Dr. Lissa Power-deFur, Associate Director of Student Services; Michelle Hathcock, Special Education Complaints and Due Process; and Dr. Judy Douglas, Director of Special Programs.

Annual Report State Special Education Advisory Committee

This item was presented by Dr. Thomas W. D. Smith, Jr., Chair of the State Special Education Advisory Committee. The State Special Education Advisory Committee (SSEAC) is a federally-mandated panel comprised of individuals with disabilities, teachers, parents, state and local officials, and local administrators. The Individuals with Disabilities Education Act (IDEA) requires that the committee submit an annual report to the state education agency.

Dr. Smith said that the SSEAC for the Commonwealth of Virginia is organized and functions in accordance with the Board of Education's *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* and in *Sections 300.653, Rules and Regulations for the Administration of Public Law 105-17*.

During 1998-99, the SSEAC decided to structure its discussion around the strategic directions listed in Virginia's State Improvement Plan for Special Education. Efforts toward monitoring the progress and needs of students with disabilities over the next five years will be based upon these strategic directions.

- Strategic Direction #1 – To facilitate, in cooperation with local school divisions, the increase of the school completion rate of students with disabilities in the context of higher academic expectations.
- Strategic Direction #2 – To improve the performance of children and youth with disabilities by enhancing the knowledge, skills, abilities, and performance of all personnel who work with children and youth with disabilities.
- Strategic Direction #3 – To improve meaningful parents/student involvement with special education services.

Mr. Schroder said there were several questions that need to be answered concerning special education students taking the SOL test, and the Board needs the help of the SSEAC to provide answers to these questions. Dr. Smith said the SSEAC would address these issues and help in any way it can. The Board accepted the report. The report will be disseminated to the public upon request.

Guidelines for Training of Public School Employees in the Administration of Insulin and Glucagon

This item was presented by Mrs. Gwen Smith, Supervisor of School Health Services at the Virginia Department of Education. The 1999 General Assembly passed SB 889 which directed the Board of Nursing, in coordination with the Boards of Medicine and Education, to develop guidelines for the training of employees of a school board in the administration of insulin and glucagon for the purpose of assisting with routine insulin injections and providing emergency treatment for life-threatening hypoglycemia. The guidelines are to be finalized by September 1, 1999. The guidelines were prepared by a committee representing the three boards and the Departments of Education and Health. The Board of Nursing approved the guidelines on July 20, 1999.

Mrs. Byler made a motion to waive first review. The motion was seconded by Mrs. Noble and carried unanimously.

Senator Bell inquired about the qualifications for trainers. Mrs. Smith said the trainers must be trained by a licensed registered nurse, not necessarily a school nurse in that division, or by a public health nurse. The trainee may be non-licensed personnel, clinic paraprofessional, instructional paraprofessional or a teacher, if the teacher agrees to do so, or anyone the principal designates to be trained.

Mrs. Byler made a motion to adopt the guidelines for training of public school employees in the administration of insulin and glucagon. The motion was seconded by Mrs. Rogers and carried unanimously. The guidelines, as adopted, are contained in Appendix A.

Regulations Establishing Standards for Remediation Programs

Dr. James S. Heywood, Director of Elementary Education at the Department of Education, presented this item. House Bill 2056 approved March 27, 1999 amended Section 22.1-199.2 of the *Code of Virginia* requiring the Board of Education to promulgate regulations which establish standards and reporting requirements for state supported remedial summer programs and Standards of Learning assessment remediation programs. These regulations must be promulgated by August 1, 1999. Proposed emergency regulations would be utilized to collect data from local school divisions during the 1999-00 school year for state supported remedial summer programs and Standards of Learning assessment remediation programs. Funding for these two programs was appropriated in the 2000 fiscal year in the amounts of \$14.3 million for the Standards of Learning assessment remediation programs and \$19.9 million for the remedial summer school programs.

By August 1, 2000, the Board is required to promulgate similar regulations for the following remediation programs: Standards of Quality remediation, dropout prevention programs, and at-risk add-on programs. The proposed emergency regulations, as described in the paragraph above, would be reviewed in conjunction with the additional regulations to be proposed for the three new programs, as well as data from a comprehensive study of remedial programs currently being conducted by the College of William and Mary in response to language in Item 129 of the 1998 Appropriation Act.

The Board waived first review. Mr. Schroder asked about the status of the comprehensive study of remedial programs being conducted at William and Mary. Dr. Heywood said the report will be submitted to the General Assembly by mid-August or early September in order to include summer data.

Mrs. Byler made a motion to adopt the regulations establishing standards for remediation programs. The motion was seconded by Senator Bell and carried unanimously.

Second Review of 2000-2002 Biennial Budget for Direct Aid to Public Education

The 2000-2002 budget for Direct Aid to Public Education was presented to the Board for second review by Mr. Dan Timberlake, Assistant Superintendent for Finance at the Department of Education. The changes in funding over the previous biennium represent technical revisions in the budget only. They do not reflect any changes in policy. The budget figures presented represent the cost of continuing the current programs with the required revisions and updates to data using the existing funding methodologies.

Mrs. Noble made a motion to adopt the proposed budget to continue programs in the 2000-2002 biennium based on the technical revisions with the provision that staff may continue to update and revise costs as technical revisions are made consistent with the current funding methodology. The motion was seconded by Mrs. Rogers and carried unanimously.

First Review of a Request to File Pre-NOIRA and NOIRA to Promulgate New Regulations Governing Private Day Schools for Students with Disabilities

This item was presented by Mr. Charles Finley, Director of Accreditation at the Department of Education. On June 25, 1997, the Board of Education approved the Pre-NOIRA (Notice of Intended Regulatory Action) for revision to the *Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits*. Private day schools for students with disabilities and career school representatives worked with Department staff on draft revisions. Laboring under the directive that there were to be no new regulations, the two groups worked collaboratively to ensure that their respective interests were addressed in the Virginia Register. At its meeting on February 28, 1998, the Board of Education approved NOIRA, which was published on July 20, 1998. One year later, the proposed regulations were withdrawn at the suggestion of the Department of Planning and Budget (DPB) which stated that DPB would not recommend approval by the Governor to proceed to public comment. DPB expressed concern with the fee schedule for career schools.

Mr. Finley further explained that during the course of the DPB review, the analyst began to comment on the confusion that may result from having two disparate types of schools under the same regulations. Now appears to be the optimal time to request permission to bifurcate the *Regulations Governing the Operation of Proprietary Schools and Issuing of Agent Permits* and to begin the process of making new separate regulations for the private day schools for students with disabilities.

The Board waived first review. Mrs. Noble made a motion to authorize the Department to file the Pre-NOIRA and the NOIRA. The motion was seconded by Mrs. Davidson and carried unanimously.

Review of Process for Recognizing Accrediting Entities for Preschools and Nursery Schools as Required by House Bill 2205

This item was presented by Mrs. Diane Atkinson, Assistant Superintendent for Policy and Public Affairs at the Department of Education. House Bill 2205 addressed the exemption of certain preschool or nursery school programs from the requirements of licensure. The bill amended Sections 63.1-196.001 and 63.1-196.3:1 of the *Code of Virginia* by adding to the exemption from licensure those preschool or nursery school programs operated by private schools that meet the accrediting criteria of any of the following accrediting entities, if the entity is recognized by the Board of Education:

- the Association of Christian Schools International;
- the National Early Childhood Program Accreditation;
- the National Accreditation Council for Early Childhood Professional Personnel and Programs;
- the International Academy for Private Education;
- the Standards for the American Montessori Society Accreditation;
- the International Accreditation and Certification of Childhood Educators, Programs, and Trainers; or
- the National Accreditation Commission

Mr. Schroder said that as it stands right now, the Board by resolution many years ago recognized the Virginia Council for Private Education (VCPE) as the sole authority to give accreditation to private schools. If a school or organization or otherwise is not accredited by VCPE then it is not recognized as being accredited by the Virginia Board of Education.

Mr. Schroder said it is important to reaffirm and state this because this issue does not deal with the K-12 aspect of education, which VCPE, by Board resolution from the past is the delegating authority to take up this issue. This issue deals with preschools and nurseries, which do not come under the Board's jurisdiction but rather under the jurisdiction of the Department of Social Services. The legislative intent was designed to address this issue in the context of Social Services but somewhere in the legislative process the Board of Education got tied to it and is now presented with the task of doing something that is normally done by the Department of Social Services.

Mr. Schroder said that to summarize this issue and to make a public record of it is very important because the Board's action on this matter does not in any way affect the delegation of authority to VCPE in terms of its role as the sole agency to act on behalf of the Board to accredit private schools and to be the sole accrediting authority for private schools in K-12. As such, the Board's and Superintendent's intent is to recognize that this is a one-time opportunity to delve into this area. The legislative intent asked the Board to look at the seven organizations and set a procedure for them.

Mr. Schroder recognized Mr. George McVey, President of VCPE, to see if this organization would have an interest in being a part of this discussion. Mr. McVey said that VCPE would very much like to be a part of this discussion because this organization had been looking at the preschool accreditation process with the idea of coming to the Board and asking if they could oversee the preschool accreditation process the same way that they oversee the K-12 accreditation currently in the private sector. Therefore, VCPE was added to the list.

The interest of the legislation is to have the Board recognize accrediting entities, much like the Board's relationship with the VCPE. To satisfy this legislative mandate, the Board must develop a process for recognizing each of the seven entities. To this end the Board should establish the following:

- (1) A committee of the Board to review information from each of the seven organizations;
- (2) A period to seek public comment addressing the recognition by the Board of each entity for the purpose of accrediting preschool and nursery as set out in the statute (90 days from the Board meeting); and
- (3) An opportunity for each entity to meet with the committee to address issues raised by the Board based on its review of the materials, as well as public comment.
- (4) A report from the committee to the Board at the November Board meeting recommending whether or not to recognize each of the seven entities.

Mr. Christie made a motion to approve the process as outlined. The motion was seconded by Mrs. Noble and carried unanimously.

Mr. Schroder appointed the following board members to the Committee: Senator Russell as Chair, Mr. Patterson and Senator Bell.

Recognition of the Service of Mrs. Diane Atkinson

Mr. Christie said the Superintendent recently informed the Board that Mrs. Diane Atkinson would be resigning from her position with the Department in August. Mr. Christie said he has worked with Diane for five years and is constantly amazed at her conscientiousness and capacity and commitment for hard work. Mr. Christie stated that he knows that there has been a lot of sacrifice of family time with all the thousands of hours she has put in for education. Mr. Christie defined her contribution and hard work as being unquantifiable, and he wanted to thank her personally for the last five years.

Mr. Schroder also concurred that Mrs. Atkinson has done an outstanding job and dedicated herself in every way, which will make it very hard to replace her.

Mr. Stapleton said that very seldom you get to work with a person that is just quality in every way you look at them, who knows the job, is very professional, treats people with a pleasant view but does not let you go off in the wrong direction. He personally thanked Mrs. Atkinson for helping him during the recent General Assembly session.

Presentation by Dr. Janet Johnson, Dean of the College of Education and Human Resources at Virginia Polytechnic Institute and State University

This item was presented by Dr. Janet Johnson, Dean of the College of Education and Human Resources at Virginia Polytechnic Institute and State University. Dr. Johnson reported on the approved Virginia Tech Teacher Education programs, the number of students in the teacher education program and the number of students going out-of-state to teach.

Dr. Johnson was assisted by Mr. Gary McCoy, Principal of Blacksburg Middle School, and Dr. Patricia Kelly, Director of the Center for Teacher Education. Ms. Angela Davidson, a graduate from the masters program and certified in K-8, reported on how the math program was taught to teach the SOL program to students.

The Board accepted the report.

PUBLIC COMMENT

The following person spoke during public comment:

Mrs. Nora Wilkins

DISCUSSION OF CURRENT ISSUES

There was no discussion of current issues.

ADJOURNMENT

There being no further business, Mr. Schroder adjourned the meeting of the Board of Education and the Board of Vocational Education at 12:45 p.m.

President

Secretary of the Board